

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08	DEMAR RHOME,)	
09	Petitioner,)	Case No. C06-1207-JLR-JPD
10	v.)	
11	WASHINGTON STATE)	ORDER
12	PENITENTIARY,)	
13	Respondent.)	

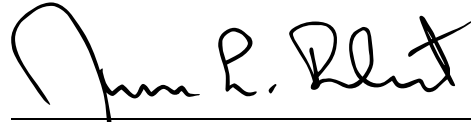
This matter comes before the court upon Petitioner Demar Rhome's Motion for Certificate of Appealability, which is contained in Petitioner's Notice of Appeal (Dkt. # 41).

A certificate of appealability may issue only if the "applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). The certificate must also "indicate which specific issue or issues satisfy [that test]." 28 U.S.C. § 2253(c)(3). An applicant makes a substantial showing if they demonstrate that their petition involves issues which are debatable among reasonable jurists, that a court could resolve the issues differently, or that the issues are adequate enough to deserve encouragement to proceed further. See Dawson v. Mahoney, 451 F.3d 550, 551 (9th Cir. 2006) (citing Slack v. McDaniel, 529 U.S. 473, 484 (2000)).

01 The basis of the dismissal of Petitioner's underlying case was failure to exhaust
02 state court remedies. This issue does not meet the standard for a certificate of
03 appealability.

04 Petitioner's motion for certificate of appealability is DENIED.

05 DATED this 8th day of January, 2007.

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09 JAMES L. ROBART
10 United States District Judge
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